

# Exhibit A

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS

COVERED TRANSPORTATION, LLC

Plaintiff(s)

vs.

GATEWAY INDUSTRIAL POWER, INC.

IDLEFREE SYSTEMS, INC.

PHILLIPS & TEMRO INDUSTRIES, INC.

Defendant(s)

Gen No: 17 L 931

FOR SERVICE UPON:

PHILLIPS & TEMRO INDUSTRIES, INC.  
C/O CORPORATION SERVICE COMPANY  
1709 N 19TH STREET  
SUITE 3  
BISMARCK, NORTH DAKOTA 58501-2121

*2<sup>nd</sup> District* SUMMONS

To each defendant:

You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the Clerk of this Court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

SEAL  
OF  
COURT

WITNESS

DEC 06 2017

*Erin Cartwright Weinstein*

ERIN CARTWRIGHT WEINSTEIN, Clerk of Court

Prepared by: Lesser Lutrey Pasquesi & Howe, LLP

Attorney's Name: FREDRIC BRYAN LESSER

Address: 191 E. Deerpath Suite 300

City: Lake Forest State: IL

Phone: 847.295.8800 Zip Code: 60045

Fax: 847.295.8886 email: service@llphlegal.com

ARDC: 3127355

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

Date of Service \_\_\_\_\_, 20\_\_\_\_ (to be inserted by officer on copy left with defendant or other person).

SHERIFF'S FEES

( Service and return .....\$ \_\_\_\_\_  
 ( Miles .....\$ \_\_\_\_\_  
 ( Total .....\$ \_\_\_\_\_

Sheriff of \_\_\_\_\_ County

I certify that I served this summons on defendants as follows:

(a)-(Individual defendants – personal):

(The officer or other person making service, shall (a) identify as to sex, race and approximate age of the defendant with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant).

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(b)-(Individual defendants – abode):

By leaving a copy of the complaint at the usual place of each individual defendant with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons. (The officer or other person making service, shall (a) identify as to sex, race and approximate age of the person, other than the defendant, with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of day when the summons was left with such person).

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of defendant	Mailing Address	Date of mailing
_____	_____	_____
_____	_____	_____
_____	_____	_____

(c)-(Corporate defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation	Registered agent, officer or agent	Date of Service
_____	_____	_____
_____	_____	_____
_____	_____	_____

(d)-(Other service):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sheriff of \_\_\_\_\_ County

By: \_\_\_\_\_  
 (Deputy)

DIANE E. WINTER

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS - LAW DIVISION

FILED

NOV. 27 2017

COVERED TRANSPORTATION, LLC )

Plaintiff, )

v. )

No.

17 L 937

GATEWAY INDUSTRIAL POWER, )  
INC., a Delaware Corporation, )  
IDLEFREE SYSTEMS, INC., a Wisconsin )  
Corporation, and )  
PHILLIPS & TEMRO INDUSTRIES, )  
INC., a North Dakota Corporation, )  
Defendants. )

Ena Cantor & Associates  
CIRCUIT CLERK

VERIFIED COMPLAINT

NOW COMES Plaintiff, COVERED TRANSPORTATION, LLC ("Plaintiff"), by its attorneys, LESSER LUTREY PASQUESI & HOWE, LLP, and complaining against Defendants GATEWAY INDUSTRIAL POWER, a Delaware corporation ("Gateway"), IDLEFREE SYSTEMS, INC., a Wisconsin corporation ("IFS"), and PHILLIPS & TEMRO INDUSTRIES, INC., a North Dakota corporation ("PTI") (collectively, "Defendants"), Plaintiff states as follows:

FACTS COMMON TO ALL COUNTS

PARTIES/JURISDICTION/VENUE

1. Plaintiff is a Nevada limited liability company with its principal office in Lake Forest, Illinois and is a commercial transportation company and a purchaser of merchandise for use in its trucking units for the purpose of transporting goods for its customers.

2. Defendant PTI is incorporated in North Dakota with its principal place of business located in the State of Minnesota.

NOTICE

PURSUANT TO SCR. 2-2.34

THIS CASE IS HEREBY SET FOR AN INITIAL CASE MANAGEMENT CONFERENCE  
IN COURTROOM 305 ON

1 2-1-18 AT 9 A.M./P.M.

FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR  
AN ORDER OF DEFAULT BEING ENTERED.

3. On July 11, 2014, PTI acquired Defendants IFS, which manufactured electric idle elimination solutions for commercial trucks. PTI is successor-in-interest to IFS.

4. Defendant Gateway is incorporated in Delaware and maintains its principal place of business in the State of Missouri; however, Gateway has an extensive presence in the State of Illinois with at least four locations therein.

5. Gateway's business, including as agent for IFS, consists of selling to trucking companies refrigeration systems and power generation equipment designed to reduce idle times and decrease fuel usage.

6. This Court has jurisdiction over this action pursuant to Article 6, Section 9 of the Illinois Constitution.

7. This Court has jurisdiction over defendants Gateway, IFS, and PTI pursuant to 735 ILCS 5/2-209(a)(1) and (7).

8. This Court is the appropriate venue within which to adjudicate this dispute pursuant to 735 ILCS 5/2-101(2).

#### **BACKGROUND**

9. On or before March 13, 2012, Defendants presented Plaintiff with marketing materials related to a new product: the Idle Free APU system. A true, complete and accurate copy of the marketing materials is attached hereto and made a part hereof as Exhibit "A."

10. The marketing materials presented the Idle Free APU system as a patented technology that used the battery charger of a truck trailer's refrigeration unit to maintain the voltage of the Idle Free APU system batteries when the truck's engine was not running, reducing idle times and using less fuel. *See* Ex. A.

11. The marketing materials represented, *inter alia*:

- a. That the Idle Free APU system would have unlimited run-time using patented "Reefer Link" technology, providing air conditioning and heat on a continuous basis as long as the trailer reefer engine was running continuously for twenty-four continuous hours without the truck idling; and
- b. That, by using the truck's refrigeration unit as an additional power source, no additional batteries were required, reducing the overall weight of the system. *See id.*

12. Further, Defendants represented that the purported advantages of the Idle Free APU system over diesel APUs included:

- a. Annual savings of 600 gallons in fuel as compared to a diesel system;
- b. Annual savings of 3,000 gallons of fuel as compared to truck engine idling;
- c. No required annual maintenance; and
- d. Only requiring eighteen inches of frame rail space. *See id.*

13. Based upon the marketing materials and representations of Defendants, Plaintiff purchased the Idle Free APU system for fifteen of its trucks.

14. Plaintiff paid Defendants \$8,830 for each Idle Free APU system unit, totaling \$132,450 for fifteen units.

15. Defendants thereafter delivered the Idle Free APU system units to Plaintiff, and the units were installed between March 14, 2012 and August 8, 2012.

16. Defendants never told Plaintiffs that any regular maintenance would be necessary for the Idle Free APU system beyond changing the batteries approximately every two years. In fact, the marketing materials claimed that the Idle Free APU system "required no annual maintenance." *See Ex. A.*



17. Gateway, who provided regular maintenance on the reefer units, also never suggested or performed any regular maintenance on the Idle Free units, thereby further reinforcing Plaintiff's belief that no regular maintenance was required on the Idle Free units.

18. From the outset, however, Plaintiff had issues with the Idle Free APU system's shoddy installation and inability to perform as promised, including but not limited to:

- a. The batteries not fully charging;
- b. The Idle Free APU system leaking fuel and coolant fluids;
- c. The ground cable causing shorts;
- d. The Reefer Link connections to the trailer refrigeration's battery charger causing the reefer unit to show voltage alarms and shut down;
- e. The lack of a remote reset button referenced the brochure;
- f. The reset being located in very inconvenient location under the sleeper bed;
- g. Wall-mounted thermostats falling off the wall; and
- h. Reversed polarity on reefer links which caused them to blow the main fuses.

19. From January 2013 through February 2014, ten of the fifteen units required repairs for various malfunctions of the Idle Free APU system, including but not limited to:

- a. The system not working at all;
- b. The air conditioning not working; and
- c. In some of the units, the air conditioning tripping a circuit breaker.

20. Throughout this time, Plaintiff also reported abysmal idle times, in contravention of the representations in the marketing materials.

21. Plaintiff continued to communicate its issues and complaints with the Idle Free APU systems to Defendants from September 2014 through February 2017.

22. Specifically, Plaintiff communicated to Defendants that their trucks' idle times were promised to be around 10%, but in fact were well over 50%.

23. Plaintiff also lost drivers due to:

- a. Cabins rendered uncomfortable by heating and cooling issues; and
- b. Lack of fuel incentives caused by the idle times far beyond those promised.

24. Despite constant communication and attempts to address issues with the Idle Free APU systems, including scheduling extensive repairs/upgrades for all fifteen units in the summer of 2016, Defendants never resolved the complaints with the Idle Free APU systems such that the performance of the systems was consistent with the representations in the marketing materials.

25. To date, Plaintiff has experienced total losses in excess of \$1,000,000, including:

- a. The total cost of the units of \$132,450;
- b. The cost of replacing the original batteries with non-spec batteries of \$11,250;
- c. The cost of repairs to the Idle Free APU system in excess of \$54,000;
- d. The value of time lost caused by breakdowns of \$60,000 (\$1,500/day x 40 days truck not operational); and
- e. Excess fuel costs incurred as a result of idle times well above the target of 10%, totaling in excess of \$800,000.

**COUNT I**  
**BREACH OF CONTRACT**

26. Plaintiff restates and re-alleges Paragraphs 1 through 25 as though fully set forth herein.

27. Defendants' representations in the marketing materials for the Idle Free APU system constituted an offer for contract for the sale of goods. *See Ex. A.*



28. Plaintiff accepted Defendants' offer by purchasing the Idle Free APU systems from Defendants.

29. Plaintiff paid Defendants the total sum of \$132,450 as consideration for the contract for the sale of the Idle Free APU system.

30. Plaintiff performed all of its obligations under the contract.

31. Defendants breached the contract by failing to supply Idle Free APU systems which performed as promised in the marketing materials.

32. Plaintiff immediately informed Defendants of the faulty product but, despite repeated complaints, the Idle Free APU system never worked as promised.

33. To date, the Plaintiff has experienced total losses in excess of \$1,000,000 a result of Defendants' breach of contract.

34. Plaintiff's losses were directly and proximately caused by Defendants' breach of contract.

WHEREFORE, Plaintiff respectfully prays that his Court:

- a. Find that Defendants breached their contract to Plaintiff;
- b. Enter judgment against Defendants and in favor of Plaintiff for an amount in excess of \$1,000,000; and
- c. Provide such other and further relief as this Court deems just and appropriate.

**COUNT II**  
**BREACH OF WARRANTY**

35. Plaintiff restates and re-alleges Paragraphs 1 through 34 as though fully set forth herein.

36. Defendants sold the Idle Free APU system to Plaintiff between March and August of 2012.

37. Marketing materials created by IFS and provided by Gateway promised savings of up to 3,000 gallons of fuel and no required annual maintenance on the Idle Free APU system, while still providing drivers with all of the comforts of a typical diesel APU system. *See Ex. A.*

38. Plaintiff purchased the Idle Free APU system in reliance upon the representations made by Defendants about the quality and cost savings of the Idle Free APU system.

39. The aforementioned representations in the marketing materials constituted warranties made by Defendants to Plaintiff.

40. The Idle Free APU system did not perform as warranted by the Defendants.

41. Defendants' failure to provide an APU system which performed in a manner consistent with their warranties constituted a breach of said warranties.

42. Plaintiff repeatedly provided notice to Defendants of the breach of warranty, beginning in 2012 through, at the latest, April 10, 2017.

43. Such notices included, but are not limited to, a demand letter from Plaintiff's counsel dated April 10, 2017, a true, complete and accurate copy of which is attached hereto and made a part hereof as Exhibit "B."

44. To date, the Plaintiff has experienced total losses in excess of \$1,000,000 a result of Defendants' breach of warranty.

45. The aforementioned damages were directly and proximately caused by Defendants' breach of warranty.

WHEREFORE, Plaintiff respectfully prays that his Court:

- a. Find that Defendants breached their warranty to Plaintiff;
- b. Enter judgment against Defendants and in favor of Plaintiff for an amount in excess of \$1,000,000; and

- c. Provide such further relief as this Court deems just and appropriate.

**COUNT III**  
**VIOLATION OF ILLINOIS CONSUMER FRAUD**  
**AND DECEPTIVE BUSINESS PRACTICES ACT**

46. Plaintiff restates and re-alleges Paragraphs 1 through 45 as though fully set forth herein.

47. Defendants' Idle Free APU system did not perform as promised in the marketing materials, which constituted deceptive, fraudulent, or unfair business practices in violation of the Illinois Consumer Fraud and Deceptive Business Practices Act ("Act"). 815 ILCS 505/1, *et seq.*

48. Defendants intended that their marketing materials would induce trucking companies, including Plaintiff, to purchase the Idle Free APU system.

49. The act of offering for sale and selling the Idle Free APU system involves commerce.

50. The marketing materials created by IFS and provided by Gateway were instrumental to Plaintiff electing to purchase and install the Idle Free APU system on fifteen of their trucks.

51. Defendants' aforesaid conduct constituted a violation of the Act.

52. To date, the Plaintiff has experienced total losses in excess of \$1,000,000 a result of Defendants' violation of the Act.

53. The aforementioned damages were directly and proximately caused by Defendants' violation of the Act.

WHEREFORE, Plaintiff respectfully prays that this Court:

- a. Find that Defendants are in violation of the Act;

- b. Enter judgment against Defendants and in favor of Covered Transportation, LLC  
in an amount equal to: \$1,000,000; and
- c. Provide such further relief as this Court deems just and appropriate.

Respectfully submitted,  
LESSER LUTREY PASQUESI & HOWE, LLP  
Attorney for Plaintiff

By:



FREDRIC BRYAN LESSER

Fredric Bryan Lesser (3127355)  
Jeffrey P. O'Kelley (6300454)  
Lesser Lutrey Pasquesi & Howe LLP  
191 E. Deerpath, Suite 300  
Lake Forest, IL 60045  
Telephone: 847-295-8800  
service@llphlegal.com

**VERIFICATION**

Under penalties of perjury, as provided by law pursuant to Section 5/1-109 of the Code of Civil procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to those matters stated on information and belief, and as to those matters the undersigned certifies that he believes them to be true, and that, if called to testify, he could and would testify competently as stated.

A handwritten signature in black ink, appearing to read "Paul T. Jasper", is written over a horizontal line.

**COVERED TRANSPORTATION, LLC**  
**Paul T. Jasper, Manager**



# Idle Free®

## The Complete Electric APU Solution™



Idle Free Systems, Inc.  
7633 Ganser Way  
Madison, WI 53719

Jason Hufford  
Central Region Sales Director

ph 608.219.3893 fx 608.237.6963  
jhufford@IdleFreeSystems.com  
www.IdleFreeSystems.com

idle free®  
Save Green, Drive Green®

EXHIBIT A



## Idle Free® is the Green solution for idle elimination

Idle Free Systems offers a complete electric APU solution for idle elimination. It can be used on any brand of truck and is customizable to match your driving conditions. In addition, Idle Free is the only company that offers the exclusive Reefer Link™ technology for drivers pulling refrigerated trailers.

The Idle Free system captures and stores energy from the trucks alternator in independent AGM batteries. The energy is then converted into pure electricity to provide constant power all night long. Idle Free delivers all the benefits without compromising performance, cost savings, driver comfort or environmental safety.



Experience  
the difference  
of superior  
technology  
and save more  
money!

### Idle Free Advantages vs. Diesel APU's

- Save 600 gallons per year vs. a diesel APU ~~\$2500~~
- No required annual maintenance on the Idle Free system
- Only requires 18 inches of frame rail space

### Idle Free Advantages versus other Electric APU's

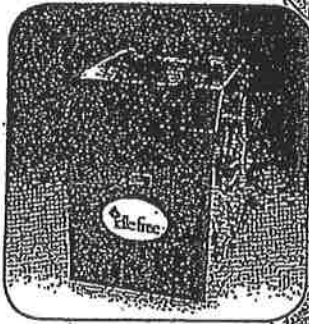
- 120 volt AC system for constant output at full power
- Shore power standard
- Power converter/battery charger standard
- Integrated pure sine wave inverter
- Heat for cab, bunk and engine ..
- Only requires 18 inches of frame rail space

### Reefer Link™ Technology

- Patented system
- The only system on the market that can be run by the Reefer
- Unlimited run time
- Weighs about 130 pounds (no batteries required)
- Provides back up starting power for both Reefer and the truck's batteries

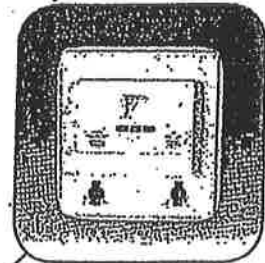
## The Idle Free® System

The Idle Free system comes pre-assembled and wired with pre-charged, quick connect Freon lines to simplify installation. The system is significantly less invasive to the truck and installs in about half the time of other systems.



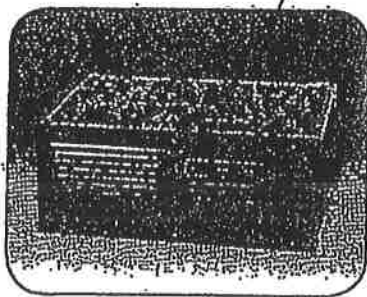
### Frame Rail System

Mounts onto the chassis rail and only requires 18 inches of space, contains 4 AGM batteries, A/C compressor and condenser and optional water heater.



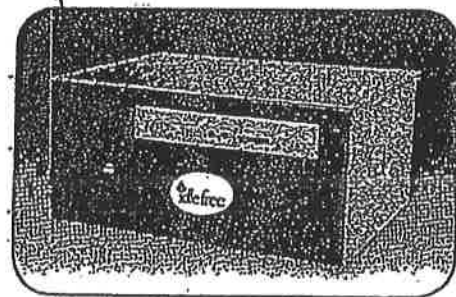
### Digital Thermostat

Mounted inside the bunk, both the A/C and heat are controlled with simple push button controls and an easy-to-read digital display.



### Evaporator

Installs quickly on or in the closet without any ducting for better air flow and cooling capability, making for a quiet and efficient system.

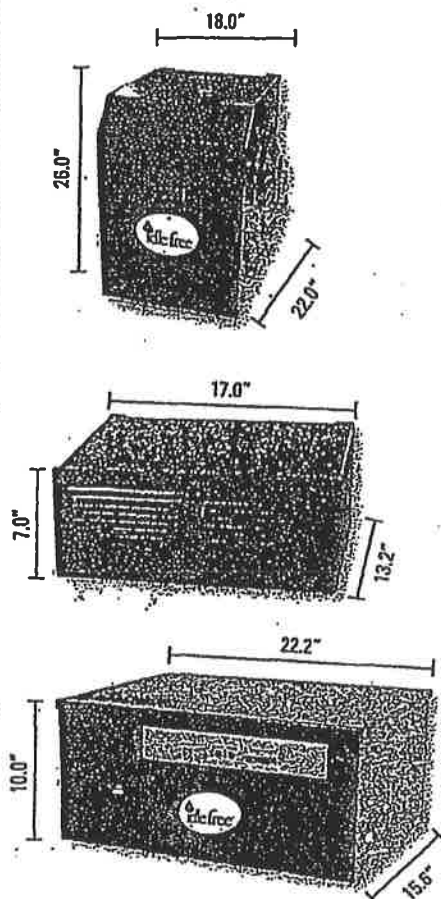


### Power Module

Located under the bunk, contains the power converter/battery charger, pure sine wave inverter to convert 12 volt DC into 120 volt electricity and AC/DC power modules to optimize system performance for cooling and heating needs.



## Idle Free®... A complete Solution without any Compromises



### Key Features and Specifications

- EPA SmartWay verified technology
- CARB compliant

#### Fuel Savings

Save 3000 gallons per year vs. truck engine idling\*\*  
Save 600 gallons per year vs. a diesel APU\*\*

#### Cooling Capacity

10,000 BTUs/hr  
Run time of 10 or more hours  
Patent pending design

#### Heat Capacity

17,000 BTU water heater  
Cab and bunk  
Engine pre-heat to eliminate cold starts

#### Batteries

4 deep cycle AGM batteries  
Recharge time of 4-6 hours

#### Electrical Power

120 volt electricity in bunk with GFI protected outlets  
Shore power provides unlimited run time

#### System Weight (approximate)

479 lbs with batteries

#### Warranty Summary

2 years parts



### Designed by a Driver for a Driver

Robert Jordan, founder and patent holder of Idle Free, was a long-haul driver for 20 years, driving almost 3 million miles and was named *OverDrive Magazine* Trucker of the Year in 2006. Over the years, he developed the Idle Free system using real world testing of different designs and components while on the road. As an owner operator who spent over 6,000 nights in a sleeper, Robert designed a system to save money, be maintenance free, and make life comfortable for a driver on the road.



Idle Free Systems, Inc

7633 Ganser Way | Madison, WI 53719

ph 608-237-6311 | fx 608-237-6963

info@IdleFreeSystems.com

www.IdleFreeSystems.com

\*\* 6 cyl, 1,000 RPM, 8 hrs/day, 300 days  
\*\* 0.25 gal/hr, 8 hrs/day, 300 days

Idle Free® is a registered trademark of Idle Free Systems, Inc. ©2009 Idle Free Systems, Inc.

## **Idle Free reefer based electric APU**

### **Overview**

The reefer-based Idle Free electric APU is the complete, year-round, one-of-a-kind electric APU solution for sleepers and day cabs pulling a refrigerated trailer.

This system uses patented Reefer Link™ technology to make energy from the reefer unit available to drivers. Drivers can then use this energy to:

- Power A/C and heat systems
- Provide 120 volt AC electricity for televisions, microwaves, and other hotel needs
- Keep the truck engine warm
- Provide backup alternator power for both the reefer unit and the truck's starter batteries in the event one or the other fails

The reefer-based Idle Free electric APU offers unlimited run time and works with any make or model of truck.

The system is CARB-compliant. It is also an EPA SmartWay-verified technology, which means it is one of the cleanest and most fuel-efficient technologies available on the market.

### **System Performance**

- Unlimited run time for system components and driver hotel needs
- Total system weight approximately 150 pounds
- Patent-pending A/C system with 10,000 BTUs
- CARB-approved heat system with 17,000 BTUs to heat the bunk and truck engine
- Simple push button Digital thermostat to control HVAC systems
- 120 volt AC GFI protected outlets to meet driver hotel needs (televisions, microwaves, computers)
- Standard shore power connector for tapping an external electrical source
- Complete system installation in approximately eight hours—half the time required for other systems.
- Only requires 18 inches on the frame rail and less than 25 percent of the space under the bunk

### **How It Works**

When a refrigerated trailer is transporting temperature-controlled cargo, the reefer unit generates a continuous stream of energy to ensure that the trailer temperature remains within a consistent, pre-set range.

More often than not, the reefer unit produces more energy than is needed to maintain the desired temperature. This energy is usually wasted.

The reefer-based Idle Free electric APU makes this energy from the reefer unit available when the truck engine isn't running. This is accomplished using the patented Reefer Link™ technology, which "links" the reefer unit to system modules.

When the truck engine is off, the driver can switch on the system by pressing a remote switch located in the bunk where the driver can easily reach it.

When the system is on, an inverter converts the 12 volt DC energy originally produced by the reefer unit into 120 volt AC electricity. This provides a constant source of 120 volt electricity identical to what is delivered to homes for regular use.

Alternatively, the system can use the standard shore power outlet to tap an external electrical source, when available.

### **Configurations**


The reefer-based system comes in three configurations: combined heat and A/C for year-round idle elimination in all climates; heat-only; and A/C-only.

- The standard and A/C-only configurations include a patent-pending A/C system that delivers 10,000 BTUs. The A/C system consists of a condenser and compressor mounted on top of the battery bank on the frame rail and an evaporator located on or in a bunk closet. The components are connected by two pre-charged, quick-connect Freon lines that can be installed easily and without a certified A/C technician.
- The standard and heat-only configurations include a heat system with a CARB-approved water heater mounted on top of the battery bank on the frame rail (standard configuration) or beneath the bunk (heat only configuration). The water heater, which is integrated into the truck's coolant system, delivers 17,000 BTUs to heat coolant and pumps it to the bunk, where it is distributed using the bunk's heater core and fan (or a separate heater core and fan). The coolant is also circulated to the truck's engine (and possibly the fuel tank), keeping both warm.
- In all configurations, heat and/or A/C are controlled by a thermostat with simple push button controls and an easy-to-read digital display. An optional programmable timer, similar to the kind found in homes with central air and heat systems, can be used to set the temperature for up to seven days in advance.




## Module Specifications


### • Frame Rail Unit

Description	The primary exterior system module. It comes pre-assembled with three system modules inside of it: the A/C Compressor, the A/C Condenser, and the the Water Heater.	
Size	18"W X 22.5"D X 14"H	Frame Rail Unit
Weight	86 pounds	
Location	Mounted on the frame rail on either side of the truck and on either side of each fuel tank. It occupies approximately 18" of frame rail space.	


### • Power Module

Description	The primary interior system module. It comes pre-assembled with four system modules inside of it: the Control Module, the Inverter, the Fan Control Box, and the DC Power Bar.	
Size	22.2"W X 15.6"D X 10"H	Power Module
Weight	23 pounds	
Location	Under the bed in the center of the bunk.	

### • Evaporator

Description	Responsible for cooling (i.e., removing heat from) the air in the bunk and then circulating it with a built-in fan. It is designed specifically to be both small and quiet without sacrificing performance.	
Size	17"W X 13.2"D X 7"H	Evaporator
Weight	21 pounds	
Location	In the bunk on or in the closet (no ducting required).	

### • Digital Thermostat

Description	Offers the driver push-button control over the A/C and heat systems. An optional programmable timer, similar to the kind found in homes with central air and heat systems, can be used to set the temperature for up to seven days in advance.	
Location	In the bunk on one of the closet walls.	Digital Thermostat

### • Reefer Link™

Description	Patented technology at the heart of the reefer-based Idle Free electric APU. It provides the "link" that makes the energy from the reefer unit available to meet a driver's needs. It is also what provides backup alternator power for both the reefer unit and the truck's starter batteries in the event one or the other fails.
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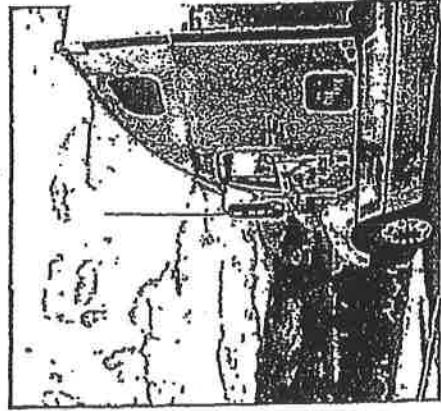




The Complete Electric APU Solution

*Save Green, Drive Green™*

Jason Hufford  
Director Business Development  
608-219-3893  
jhufford@IdleFreeSystems.com



*Bought 7000  
idle free 10 hrs*

*10000 stars idle free  
8000 bus knight*

## Idle Free Systems, Inc \$150 per unit

- ☐ The Idle Free mission is to be the premier idle elimination company for trucks and buses offering a "green" solution that:
  - Saves our customers more money than other idle elimination systems
  - Reduces the world's carbon footprint using energy efficient technology
- ☐ The Idle Free system is the superior "green" solution to anti-idling
  - Idle Free provides all of the creature comforts a driver needs without the operating cost or maintenance of diesel APU's
- ☐ Idle Free is a profitable Privately held company with a few key shareholders:
  - Launched in 2006 (Well capitalized to support growth)
  - Idle Free becomes OEM preferred system of Mack Trucks by 2007
  - Idle Free lands Volvo as their preferred anti-idling solution in 2011

*4 Batteries \$175 per 1 gallon per 20 hours w/ heat option*

*60° governor*

*engine fluid monitoring*

*\$1600 rebate*

*58995*



## The Idle Free A/C System

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- ☐ **10,000 BTU's/Hr of constant A/C output:**
  - Consistent 10,000 BTU's until AGM battery level reaches 10.5 volts.
  - 10+ hours of runtime using (4) Trojan AGM batteries
  - 120V AC compressor technology reduces power consumption
    - 37 amps maximum with compressor On, only 5 amps w/ compressor Off
- ☐ **Superior cooling efficiency:**
  - Universal Evaporator w/out duct work maximizes cooling capacity and heat absorption (Evaporator is not trapped under the bed like most HVAC systems)
  - 325 CFM of constant air flow to keep drivers comfortable (Drivers like air movement)
  - Thermostatic control accurately manages cab temp and minimizes power consumption by cycling the sealed hermetic compressor
- ☐ **Thermostatic Programmable control:**
  - Programmable control allows fleets to regulate temperature settings
  - Compressor shuts down once desired cab temperature is achieved.
  - Compressor remains "offline" for a minimum of 5 minutes or until cab temperature rises 2 degrees F above 'set point'



## **Benefits of the Idle Free Electric APU**

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- ☐ **Highest BTU rating in the Electric APU market**
  - 10,000 BTU's/hr of cooling capacity
  - 10 + hours of runtime
- ☐ **Comes Standard w/ Engine/Coolant Heat**
  - Eliminates unnecessary wear and tear on the engine
  - Prevents cold starts and engine freezing
- ☐ **Comes Standard w/ Shore Power and 1500 watt Pure Sine Wave Inverter**
  - Drivers choose Idle Free over other electrics because it meets their hotel load demands
  - Shore Power provides an option for unlimited runtime
- ☐ **Patented "Reefer Link" Technology is an option that only Idle Free offers**
  - Uses Reefer's (TRU) alternator power to run hotel loads and HVAC indefinitely



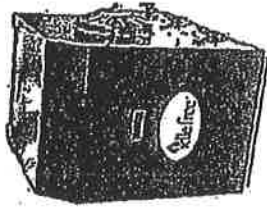
## Modular A/C System

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➤ **Only 3 major components for Easy Installation**

☐ **Compressor/Condenser unit:**

- Mounts cleanly on frame rail using frame grippers with no drilling
- Contains engine and cab heating system (pre-installed)
- Batteries are pre-wired and mounted inside Condenser unit
- Only 2 moving parts with extremely easy serviceability



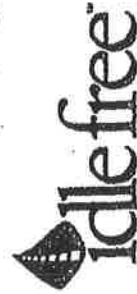
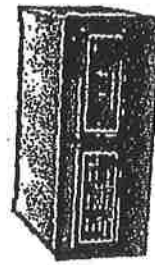
☐ **Power Unit:**

- Mounts cleanly underneath the bunk
- Pre-wired with Shore Power and Inverter for driver's hotel loads
- Houses electronics and control boards keeping them out of the elements



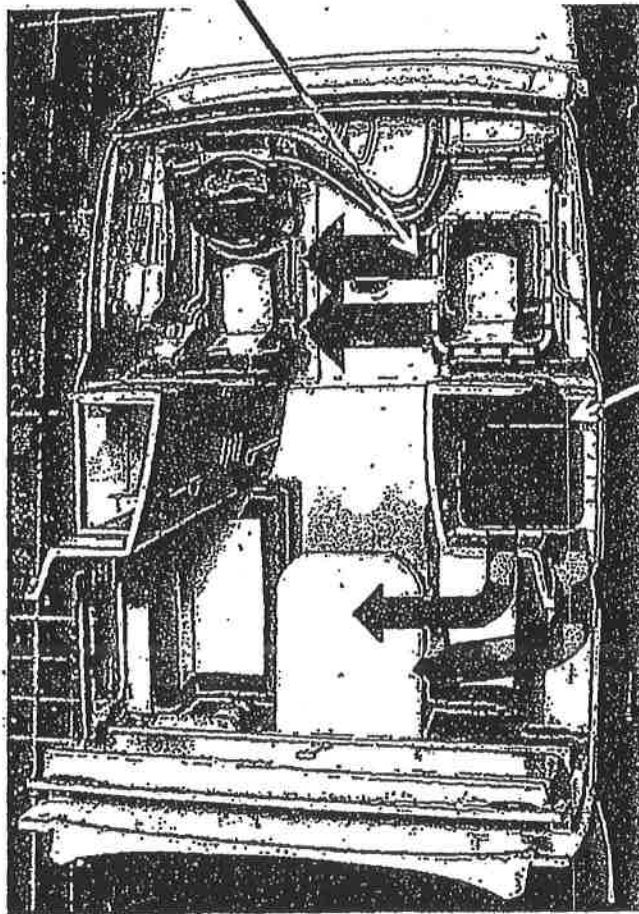
☐ **Evaporator Unit:**

- Compact design fits cleanly on a cabinet or inside a closet in the bunk
- 325 CFM of constant air flow to keep drivers comfortable
- No damaging holes to the cab structure for an easy installation
- Only 1 moving part and comes with a washable filter





## Universal Evaporator allows for Day Cab and Sleeper Cab installations



- For day cab applications the interior portion of the Idle Free air conditioner is located under the passenger seat
- The location of the air conditioner's evaporator allows a ductless system that is located in the room it is cooling.

- For sleepers, the Idle Free air conditioner's interior portion fits into or onto the closet

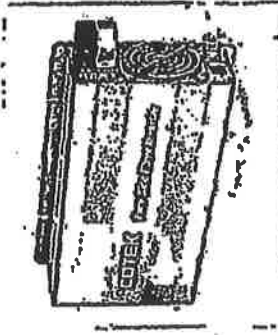




## **Standard 120 Volt Electricity and Shore Power**

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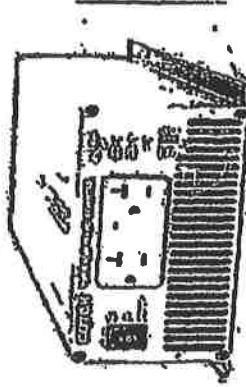
- ☐ Idle Free provides 120 volt electricity because:
  - More efficient than 12 volt (DC power)
  - Enables easy use of Idle Free Shore Power/Battery Charger (for Idle Free batteries and truck's batteries)
  - Gives driver multiple options for comfort
    - Meals
    - Entertainment
- ☐ The Idle Free Shore Power Package
  - Provides 45 amps of continuous power for unlimited runtime
  - Comes standard with every A/C and A/C w/ heat system
  - Inverter and Shore Power are pre-wired and built into every system to reduce install time
- ☐ The Idle Free system includes protection for equipment and driver:
  - GFI outlets (ground fault interrupted)
  - Quality fuse protection (inverter and charge circuit)
  - Circuit breaker protection (120 volt)



## **The Benefits of using an Inverter**

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- ☐ Inverter is a generic term that describes a method of turning DC (direct current) electricity into AC (alternating current)
- ☐ Two types of inverters exist:
  - Modified sine wave (artificial or step wave)
  - Pure sine wave (actual electricity)
- ☐ The Idle-Free System uses a pure sine wave inverter
  - Converts DC into pure 120 volt AC
  - Constant 120 volt output w/out power loss
  - Driver can use standard 120 volt devices/hotel loads
  - Ground fault protected
- ☐ LVD (low voltage disconnect) stops pulling power from batteries at 10.5 volts
  - Protects AGM batteries



## Idle Free "Reefer Link" Connection

- ☐ The patented "Reefer Link" connection uses the trailer refrigerator unit's (TRU) alternator to maintain the voltage of the Idle Free and or truck's batteries.
  - Idle Free can be powered by just the Truck's batteries if desired using "Reefer Link"
- ☐ "Reefer Link" will connect the truck and trailer together electrically to provide the driver multiple options for powering the Idle Free system
  - The driver has the option of using:
    - Reefer Power (uses non-taxed fuel)
    - Shore Power
- ☐ Unlimited Run Time with "Reefer Link"
  - Run time is unlimited when using the TRU or Shore Power
  - Trucks batteries will run the Idle Free system independently (without the reefer unit running):
    - AC for up to 4 hours
    - Heat for up to 24 continuous hours



## Idle Free "Reefer Link" Connection

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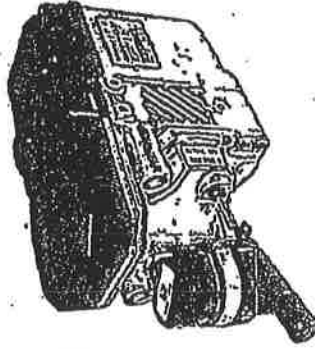
- ☐ The Idle Free "Reefer Link" connection allows the driver to use the TRU's alternator to run the truck's 12 volt systems or to charge the truck's batteries
- ☐ The Idle Free "Reefer Link" connection also enables the driver to use the truck's alternator to run the TRU (12 volt needs) in the event the reefer's alternator fails
- ☐ Because this system configuration uses the TRU as the primary power source, no additional batteries are required, reducing the overall weight of the system
  - This system configuration weighs only 110 lbs
- ☐ Like all the Idle Free systems, this system is 100% CARB compliant



## The Idle Free Heating System

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- ☐ **Idle Free provides Engine/Coolant heat:**
  - Heating system circulates coolant 100% of time heat mode is on
  - Driver has piece of mind knowing that truck will start in freezing conditions
  - Driver receives hottest water, engine and fuel tanks receive secondary heat
- ☐ **Idle Free Heating systems also supplies in cab heat for the driver:**
  - Water heater supplies heat to the cab's existing heater core eliminating need for an Espar or Webasto air heater
  - Idle Free ties into existing control system and is powered by the (4) Auxiliary AGM batteries
- ☐ **17,000 BTU's/Hr of Engine and Cab heat for peace of mind:**
  - The heater saves fuel and only circulates coolant until the coolant temp falls below 149 degrees F (after engine is shut off)
  - Heater then ignites on high speed and continues producing heat until water temp reaches 162 degrees F and then automatically switches to low speed
  - Heater will continue on low speed until coolant temp falls to 149 F or reaches 170 degrees F in which heater then goes into "idle" mode again





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\* Also licensed in Wisconsin  
\*\* Also licensed in Michigan  
\*\*\* Also licensed in Florida  
\*\*\*\* Also licensed in Massachusetts

VIA U.S. MAIL

April 10, 2017

David Keach  
President and CEO  
Gateway Truck & Refrigeration  
921 Fournie Lane  
Collinsville, IL 62234

Pat Fleishauer  
Field Service Manager  
Phillips & Temro Industries  
9700 W. 74<sup>th</sup> St.  
Eden Prairie, MN 55344

Re: *Covered Transportation LLC*  
*Recovery for defective Idle Free APU Systems*

Dear Mr. Keach and Mr. Fleishauer:

Our firm represents Covered Transportation LLC ("CT"). Prior to the acquisition of Idle Free Systems ("Idle Free") by Phillips & Temro Industries ("Phillips"), CT purchased from Gateway Truck & Refrigeration ("Gateway") a 15 Idle Free APU systems based upon assurances that the system would increase efficiency and performance, including an idle time of 10% or less. Unfortunately, far from meeting the promise of better performance and increased efficiency, the Idle Free APU systems actively impeded CT's operations and caused extensive and needless delay, difficulty and expense.

Stated simply, the Idle Free APU systems did not work as promised and caused CT to suffer major losses.

From the outset, the Idle Free APU systems did not meet promised expectations. In fact, representatives of Gateway acknowledged as much in the course of multiple written communications during lengthy and unsuccessful efforts to resolve the many defects and issues with the Idle Free APU systems. Phillips, likewise, has agreed that the Idle Free APU systems were not working and required repairs.

Notwithstanding assurances that the Idle Free APU systems would be maintenance-free, CT was forced to go to great lengths to try to bring the performance of the Idle Free APU systems up to promised standards, during which time Gateway was far from helpful. Throughout, purported repairs did not actually resolve the defects and problems, and CT continued to needlessly incur losses rather than increasing efficiency and reducing costs as promised.



Gateway Truck & Refrigeration  
Phillips & Temro Industries  
April 10, 2017  
Page 2



By mid-year 2016, CT's losses associated with the Idle Free APU systems included, among other costs:

- The initial \$145,000 paid by CT for the Idle Free APU systems;
- \$752,670 in excess fuel costs required by idle times well above the represented idle time of 10% or less;
- More than \$12,000 for the destruction of original batteries, non-spec improper marine replacement batteries and installation costs for multiple battery replacements; and
- \$60,000 in costs associated with disgruntled drivers who left CT over breakdowns caused by the Idle Free APU systems and loss of promised comfort.

The losses above total \$969,670, and that is not even including additional losses incurred since mid-year 2016.

Please consider this letter as CT's formal demand for payment of \$969,670 to offset the above losses incurred by CT as a result of the defective Idle Free APU systems. To ensure that a lawsuit will not be necessary, payment should be received within sixty (60) days of the date of this letter.

If you have any questions, please contact us. Thank you.

Best regards,

Fredric Bryan Lesser  
FBL/jpo  
cc: Tuck Jasper (via email)

STATE OF ILLINOIS )

COUNTY OF LAKE )

SS

IN THE CIRCUIT COURT OF THE NINETEENTH  
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

**FILED**

NOV 27 2017

*Eva Carney Winston*  
CIRCUIT CLERK

COVERED TRANSPORTATION, LLC

Plaintiff,

Vs.

GATEWAY INDUSTRIAL POWER, INC. ET AL

Defendants.

Gen. No.

17L931

**AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222 (B)**

Pursuant to Supreme Court Rule 222 (B), counsel for the above-named plaintiff certifies that plaintiff seek money damages in excess of Fifty Thousand and 00/100ths Dollars (\$50,000).

By

  
Attorneys for Plaintiff